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Application No: 10/730,926
Attorney's Docket No: ALC 3106**REMARKS/ARGUMENTS**

Claims 1 and 3-22 are pending. Claims 1, 13 and 14 are independent. Claim 2 is cancelled without prejudice to, or disclaimer of, the subject matter recited therein. That subject matter is incorporated into claim 1, from which claims 3-12 depend. Claim 3 is amended to depend from claim 1 instead of claim 2, which is cancelled. Thus, claims 1, 3, 13 and 14 are amended.

The courtesies extended to Applicant's representative by Examiner Yalew and Supervisor Moazzami at the interview held February 22, 2007, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

In sections 3 and 4 on page 2, the Office Action rejects claims 1 and 13 under 35 U.S.C. §101 for the specified reason. Examiner Yalew and Supervisor Moazzami are thanked for the personal interview on February 22, 2007. Further, Examiner Yalew and Supervisor Moazzami are thanked for agreeing that this rejection is overcome by incorporating the subject matter recited in claim 2 into claim 1. Examiner Yalew and Supervisor Moazzami are further thanked for memorializing this agreement in the Interview Summary form.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1 and 13 under 35 U.S.C. §101 be withdrawn.

In section 6-16 on pages 3-5, the Office Action rejects claims 1, 4-8 and 10-13 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,978,223 to Milliken. This rejection is respectfully traversed.

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Claim 13 recites, "finding...based on...a time of arrival X of said malicious packet."

Claim 1, from which claims 4-8 and 10-12 depend, includes a similar recitation. As discussed during the personal interview on February 22, 2007, Applicant respectfully submits that Milliken does not disclose, teach or suggest this subject matter. Examiner Yalew and Supervisor Moazzami are thanked for agreeing during the personal interview to reevaluate the rejection of claims 1, 4-8 and 10-13 based on this distinction. Examiner Yalew and Supervisor Moazzami are further thanked for memorializing this agreement in the Interview Summary form.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1, 4-8 and 10-13 as allegedly being anticipated by Milliken be withdrawn.

In sections 18-30 on pages 5-9, the Office Action rejects claims 2, 3, 9 and 14-22 under 35 U.S.C. §103(a) as allegedly being unpatentable over Milliken in view of "Hash based IP Traceback" to Snoeren et al. (hereinafter "Snoeren"). This rejection is respectfully traversed.

Claim 2 is cancelled without prejudice to, or disclaimer of, the subject matter recited therein. That subject matter is incorporated into claim 1. Claims 3 and 9 are allowable based at least on their dependence from claim 1 for the reasons stated above in connection with the rejection of claim 1. Further, it is respectfully submitted that Snoeren fails to overcome the deficiencies in Milliken described above.

Claim 14, from which claims 15-22 depend, recites, "finding...based on...a time of arrival X." This recitation is identical to the recitation in claim 13 discussed above in connection with the rejection of claim 13. Thus, claim 14 is allowable for the same reasons described above

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in connection with claim 13. Further, Snoeren fails to overcome the deficiencies in Milliken described above in connection with the rejection of claim 13.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 2, 3, 9 and 14-22 as allegedly being unpatentable over Milliken in view of Snoeren be withdrawn.

CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.

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